

# Order

Michigan Supreme Court  
Lansing, Michigan

February 4, 2015

Robert P. Young, Jr.,  
Chief Justice

149264 & (16)

Stephen J. Markman  
Mary Beth Kelly  
Brian K. Zahra  
Bridget M. McCormack  
David F. Viviano  
Richard H. Bernstein,  
Justices

PEOPLE OF THE STATE OF MICHIGAN,  
Plaintiff-Appellee,

v

SC: 149264  
COA: 320306  
Oakland CC: 2013-246422-FC

CHRISTOPHER LEE BENNETT,  
Defendant-Appellant.

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By order of October 22, 2014, the prosecuting attorney was directed to answer the application for leave to appeal the March 19, 2014 order of the Court of Appeals. On order of the Court, the answer having been received, the application for leave to appeal is again considered and, pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we VACATE the sentence of the Oakland Circuit Court and REMAND this case to the trial court for resentencing. As the prosecuting attorney concedes, the defendant should not have been assessed 25 points for offense variable (OV) 13. The conspiracy offense for which he was convicted is not a “crime[] against a person” under MCL 777.43(1)(c), as it is a “crime[] against public safety.” MCL 777.18; *People v Bonilla-Machado*, 489 Mich 412 (2011). On remand, the trial court shall sentence the defendant within the appropriate sentencing guidelines range or, if it cannot follow its preliminary sentence evaluation under *People v Cobbs*, 443 Mich 276 (1993), permit him to withdraw his plea. In all other respects, leave to appeal is DENIED, because we are not persuaded that the remaining questions presented should be reviewed by this Court.



h0128

I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

February 4, 2015

  
Clerk